

THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

-
WRIT PETITION No. 20054 OF 2000

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Dated 20th June, 2007

Between:

Smt. Zarina and ors

...Petitioner.

AND

The District Collector, Rangareddy
District and ors.

...Respondents.

ORAL ORDER:

In this writ petition, the petitioners seek Writ of Mandamus to declare the action of the second respondent in insisting them to produce clearance certificate from the first respondent for registration of their patta lands admeasuring 5.00 acres, 5.00 acres, 3.11 acres and 5.00 acres respectively covered by Sy.No. 680 of Devar-Emzal village, Shameerpet Mandal, Ranga Reddy district as illegal and arbitrary.

The third respondent-Mandal Revenue Officer, on the ground that an enquiry is pending regarding the status of the lands as to whether they belong to temple or not, directed the registering authority not to entertain any transactions. This Court, in view of the judgment of a Division Bench in W.A.No. 169 of 1999, granted interim directions to receive and register the sale deed.

In the counter affidavit filed on behalf of the respondents 1 and 3, it is stated that during the year 1952, the entries in the pattadar column were changed illegally, and, originally the land belonged to Seetharamaswamy temple. As such, they have also decided to claim the subject lands by filing a petition under the provisions of the A.P. Land Grabbing (Prohibition) Act.

While it is open for the respondents 1 and 3 to claim the land by approaching the appropriate forum, but under the scheme of Registration Act and the rules made thereunder, there is no authority for the third respondent-Mandal Revenue Officer for issuing instructions to the second respondent-Sub-Registrar not to entertain any transactions.

In that view of the matter, unless the claim of the respondents is established, the registering authority cannot insist the petitioners to produce clearance certificate from the third respondent. The writ petition is, therefore, ordered accordingly. No costs.

20-6-2007

**R.SUBHASH
REDDY, J.**

Msnr